

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

ENDEL WILLIAMS,

Plaintiff,

v.

CITY OF RACINE,

Defendant.

CIVIL ACTION NO. 18 CV 1232

Jury Trial Demanded

Hon. J. P. Stadtmueller

PROPOSED DISCOVERY PLAN PURSUANT TO FED. R. CIV. P. 26(f)

The parties submit the proposed Discovery Plan below pursuant to Federal Rule of Civil Procedure 26(f) and Civil Local Rules 16(a)(1) and 26(a). The parties communicated via telephone on September 28, 2018, to come to agreements regarding this proposed plan. The Rule 16(b) scheduling conference for this case has been scheduled for October 4, 2018, at 10:30 a.m., for which the parties shall appear by telephone. Counsel for the Plaintiff, Shannon D. McDonald, may be reached at 414-403-2161 for the scheduling conference. Counsel for the Defendant, Scott R. Letteney and Marisa L. Roubik, may be reached at 262-636-9448, and co-counsel for the Defendant, Michael J. Cohen and Garrett A. Soberalski, may be reached at 414-273-1300 for the scheduling conference.

I. NATURE OF THE CASE

Mr. Endel Williams (“Williams”) is, and at all times material to the allegations in the Complaint was, an employee of the Defendant, the City of Racine (the “City”). He filed this lawsuit claiming violations of Title VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act for alleged discrimination, harassment, and retaliation. The City

denies Williams's allegations and claims.

The Court has subject-matter jurisdiction over this matter under 28 U.S.C. § 1331 because the Complaint alleges claims arising under federal laws. Venue is appropriate in the Eastern District of Wisconsin because the City resides in this District pursuant to 28 U.S.C. § 1391(c)(2) and the alleged events that give rise to Williams's claims occurred in this District.

II. CONTEMPLATED MOTIONS

The only motions the parties currently potentially contemplate are motions for summary judgment (partial or otherwise) after discovery is substantially complete or completed. The parties propose that the deadline for dispositive motions be set at the time designated in the proposed Schedule set forth below.

III. DISCOVERY PLAN

A. Rule 26(a) Disclosures.

The parties have not yet exchanged Rule 26(a)(1) disclosures. The parties have agreed to make their initial disclosures pursuant to Rule 26(a)(1) at the time designated in the proposed Schedule set forth below. The parties will supplement their initial disclosures pursuant to Federal Rule of Civil Procedure 26(e). The parties do not otherwise believe any changes need to be made to the timing, form, or requirements of these disclosures as set forth in Rule 26(a).

B. Discovery Subjects and Scheduling.

The parties anticipate that discovery will be required as to liability of Williams's claims, the City's defenses, and damages. The parties anticipate the possibility of expert witness discovery but, do not believe that discovery should be conducted in phases or limited to or focused on particular issues at this time. The parties have separately agreed upon an expert witness disclosure

schedule. The parties propose that the deadline for discovery be set at the time designated in the proposed Schedule set forth below.

C. Electronic Discovery.

The parties anticipate that a party may be required to disclose or be requested to produce electronically stored information (“ESI”), including but not limited to discovery from computers, hard drives, other electronic devices, e-mails, and text messages. At this time, the parties do not anticipate any disputes regarding the production of ESI, and agree to make good-faith efforts to resolve any ESI-related issues, including those listed in Federal Rule of Civil Procedure 26(f)(3)(C) and Civil Local Rule 26(a), before raising such issues with the Court.

D. Claims of Privilege and Confidentiality.

The parties agree to abide by the Federal Rules of Civil Procedure, Federal Rules of Evidence, Civil Local Rules, and case law interpreting those rules as they apply to asserting claims of privilege or protecting trial preparation materials. A privilege log will be required should either party claim privilege or protection under the aforementioned rules. Although no agreements have been reached to date, the Parties agree to work cooperatively to exempt certain categories of communications from the privilege log requirement. At this time, the Parties further agree that Federal Rule of Civil Procedure 26(b)(5)(B), Federal Rule of Evidence 502 and the case law interpreting those rules govern issues of waiver—although additional agreements with respect to waiver and claw back may be included in any protective order for the production of confidential information, if necessary. The parties agree to make good-faith efforts to resolve any disputes over claims of confidentiality, privilege, and/or protection before submitting any such disputes to the Court.

E. Limits on Discovery.

The parties agree to abide by the Federal Rules of Civil Procedure and Civil Local Rules as they apply to limitations on discovery. The parties do not anticipate disputes as to the scope of discovery or as to the number of interrogatories or depositions.

The parties further agree that if at any time either side wishes to propound interrogatories or take depositions exceeding the number permitted by the Federal Rules of Civil Procedure, the Civil Local Rules, or this Court, they shall confer and make reasonable efforts to resolve any such issues by agreement before submitting any such issues to the Court.

F. Other Orders

The parties may move for the entry of a protective order, consistent with the Federal Rules of Civil Procedure and Civil Local Rules, to govern the production and use of confidential information in this case.

G. Service by Electronic Means

The parties agree that service by electronic means shall be allowed as set forth in Fed. Rule of Civil Procedure 5(b)(2)(E).

H. Possibility of Simplifying Issues and Obtaining Admissions and Stipulations.

At this time, the parties are not yet in a position to determine appropriate admissions or stipulations.

I. Settlement.

At this time, the parties have not reached any settlement. The parties will negotiate potential settlement as appropriate during the pendency of the litigation.

J. Estimated Length of Trial.

The parties estimate 3-5 trial days, including jury selection, and openings and closings.

IV. PROPOSED SCHEDULE

The parties exchanged their respective schedules and discussed scheduling issues during their telephonic meeting and have reached an agreement with respect to all dates in the proposed Schedule set forth below.

- A. Initial Disclosures under Rule 26(a)(1).....October 19, 2018
- B. Discovery cut-off.....As provided for in L.R. Civ. 26(c)
- C. Dispositive Motions Filed on or Before.....April 30, 2019
- D. Motions in Limine Filed on or Before.....August 2, 2019
- E. Pretrial Disclosures/Final Pretrial Report.....August 5, 2019
- F. Final Pretrial Conference.....Any time after August 12, 2019
- G. Trial.....Any time after August 19, 2019

Dated: September 28, 2018

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